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Attorney for Plaintiff Thomas Mooney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS MOONEY,

Plaintiff,

v.

FIFE DERMATOLOGY, PC, d/b/a
SURGICAL DERMATOLOGY & LASER
CENTER; DOUGLAS FIFE, M.D.; and
HEATHER FIFE,

Defendants.

CASE NO. 2:17-cv-02191-JCM-DJA

**STIPULATION AND ORDER TO
EXTEND TIME FOR PLAINTIFF TO
RESPOND TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT AND FOR
DEFENDANT'S REPLY**

(Third Request)

The parties, by and through their respective counsel, hereby stipulate to extend the time for Plaintiff to respond to Defendants' MOTION FOR SUMMARY JUDGMENT (ECF No. 71) from the current due date of Monday, April 11, 2022 through and including **Monday, April 25, 2022**. The Parties further stipulate that Defendants shall have up to and including **Tuesday, May 31, 2022** to file their reply in support of their Motion for Summary Judgment.

This is the THIRD request for an extension of this deadline. The parties provide the following information to the Court regarding the proposed extension of time:

1. The Parties previously stipulated to an extensions of the summary judgment briefing schedule based on the fact that Plaintiff's counsel was on vacation

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1 from March 4, 2022 to March 18, 2022 for a long-planned two week cruise
2 vacation where he and his wife are celebrating their 25th wedding
3 anniversary. Plaintiff's counsel did not have any time to work on the
4 response to Defendants' comprehensive motion seeking summary
5 judgment on all claims until March 21, 2022. Plaintiff's counsel has been
6 working on the response, but has not had time to complete it because of
7 intervening factors that was somewhat unexpected.
8

9 2. While Plaintiff's counsel was on vacation, on March 11, 2022 Plaintiff's
10 counsel received an order in Case 8:18-cv-01727-MAA *Damian Raffeale v.*
11 *VCA, Inc* in the Central District of California that after approximately
12 seven months of waiting due to COVID-19 delays a jury and a courtroom
13 has been confirmed for a jury trial commencing at 8:30 a.m. on March 30,
14 2022. Accordingly, Plaintiff's counsel had to divert efforts from working
15 on the extensive summary judgment opposition due in this case to trial
16 preparations in the Raffeale matter.
17

18 3. While Plaintiff's counsel was in trial in California in the Raffeale matter his
19 mother passed away at the age of 89. Consequently Plaintiff's counsel was
20 called away on Monday evening and his co-counsel had to finish the trial
21 without him. Since that time Plaintiff's counsel has been in mourning and
22 has been attending to personal business related to his mother's death.
23 Plaintiff's counsel is the personal representative of his mother's estate.
24

25 4. The Parties agree that Plaintiff may have until **Monday, April 25, 2022** to
26 file his Response to the Defendants' Motion for Summary Judgment;
27
28

5. The Parties have further agreed to extend the time for Defendants' Reply by three weeks from Monday, May 9, 2022 to **Tuesday, May 31, 2022**. See LR 7-2 (setting deadline for Reply in Support of Motion for Summary Judgment at 14 days (also, Monday, May 30, 2022 is a holiday)). This additional time is needed by Defendants to account for pre-planned travel (including international travel) and time-intensive obligations in other matters, including, but not limited to, preparing for and assisting with an evidentiary hearing currently set for four days during the week of May 9, 2022 in Case No. 2:20-cv-00406-RFB-BNW.

6. There are no other deadlines or proceedings with which this extension would interfere.

This stipulation to extend the Response *and* Reply deadlines on Defendants' Motion for Summary Judgment [EFC No. 71] (to Monday, April 25, 2022 and Tuesday, May 31, 2022, respectively) is made in good faith and not for the purposes of delay.

DATED this 8th day of April, 2022.

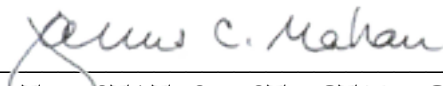
DATED this 8th day of April, 2022.

/s/ Hayley Cummings
P. SWEN PRIOR, ESQ.
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/s/ James P. Kemp
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ORDER

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: April 11, 2022